IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 3473 of 2007

Date of Decision: 07.08.2007

Bishamber Dayal

.....Petitioner through
Mr. G.S.Gandhi, Advocate
and Ms. Hanny Gandhi, Advocate

versus

State of Haryana and others

..... Respondents through
Mr. Randhir Singh, Addl. A.G. Haryana and Mr. Roopam K.Aggarwal, Advocate and Mr. R.D.Yadav, Advocate

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR. JUSTICE MAHESH GROVER

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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Vijender Jain, Chief Justice (Oral)

Pursuant to our direction, status report by Chief Judicial Magistrate, Rewari has been sent. Statement of respondent No.6 Smt. Chandro has been recorded by Chief Judicial Magistrate, Rewari. In

his report, he has reported that 10 to 12 years before, there was a water tap alongwith a khel existing in Khasra No. 24/24 and the khel is lying closed for the last so many years. It has further been stated in the report that respondent No.6 Smt. Chandro has encroached upon 1½ to 2 feet land of khasra No. 24/24 owned by Gram Panchayat. It has also been found that when land in front of the house of respondent No.6 Smt. Chandro was being dug under the supervision of Naib Tehsildar, Khel was found existing in Khasra No. 24/24.

Statement of petitioner, namely, Bishamber was also recorded. He (petitioner) has also encroached upon the gali/rasta No. 508 to the extent of 2 to 3½ feet. However, petitioner has stated that all residents of gali have encroached upon the said gali to the extent of 2 to 3½ feet. Naib Tehsildar and Girdawar in their statements have also stated that house of petitioner Bishambar and other 13 houses along that rasta have encroached upon 2½ to 3½ feet land of the said rasta.

As per the report of Chief Judicial Magistrate, Rewari, petitioner as well as other residents including respondent No.6 have encroached upon the passage owned by the Gram Panchayat.

In view of the report which establishes encroachments, we deem it appropriate to direct respondents No.1 to 5 to remove all such encroachments pointed out in the report within a period of eight weeks. After their removal, a water tap be provided at the place, wherever it is found suitable to sub-serve the interest of the residents by the respondent-authorities.

Copies of the status report filed by Chief Judicial Magistrate, Rewari be given to the respective counsel for parties.

With this observation, the petition stands disposed of.

(VIJENDER JAIN)
CHIEF JUSTICE

(MAHESH GROVER)
JUDGE

07.08.2007

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